

REMARKS

With regard to the requirement for restriction which is the only point raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I, covering claims 1-19, with traverse, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Group II.

Applicant believes that the elected method claims are so closely related to the non-elected claims covering the kit, that they should remain in the same application to preserve unity of invention. The instant patent application is based on an international PCT application pursuant to Chapter II, whereby during the examination of this international patent application, the single general inventive concept was not disputed.

The general inventive concept of the invention between different groups of claims exists here because the kit is designed for carrying out the process with the technical relationship being present between the claimed kit and the claimed process (cf. M.P.E.P., Section 1893.03(d), page 1800-121 relating to product and process).

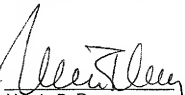
In the case at hand, the process claims are directed to a method for determining a target nucleic acid sequence. It is believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, all claims on file should be examined on the merits. In any event, Group I and hence claims 1-19 are entitled to action on the merits.

Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action on the merits of claims 1-19.

It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims, presently on file.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No.06-0502.

Respectfully submitted,

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